

REMARKS

The Examiner has rejected claims 28 and 30-35 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent No. 6,469,658 to Courtney et al. ("Courtney"). The Examiner has also rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Courtney, and further in view of U.S. Patent Application Pub. No. 2002/0197957 to Kawasaki et al. ("Kawasaki"). Claim 37 has been newly added. Claims 1-27 stand previously canceled. Claims 28-37 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current claims 28-37. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

**II. REJECTION OF CLAIMS 28 AND 30-36 UNDER 35 U.S.C. § 103(A) BASED ON AAPA IN
VIEW OF COURTNEY**

On page 2 of the outstanding Office Action, the Examiner rejects claims 28 and 30-36 as being unpatentable over AAPA in view of Courtney. These rejections are traversed and believed overcome in view of the following discussion.

The Examiner rejected pending independent claims 28, 30, 31, 33, and 35 as being unpatentable over Applicant Admitted Prior Art (“AAPA”) in view of Courtney (U.S. Pat. No. 6,469,658). The cited AAPA (paragraph 8 of the application publication) discloses “that it is already known for HF circulators, isolators or filters to be fixedly installed in HF transmitters or wireless microphones, which have to be suitably exchanged upon a change in frequency.” Courtney discloses a method for generating an electromagnetic environment in which the free field, plane wave response of electronic systems of an electrically large object under test can be measured in the electromagnetic radiating near field of the transmitter array apparatus.

The AAPA and the Courtney reference, however, do not disclose a wireless microphone system “wherein the antenna unit [which comprises a common housing] can be plugged in or screwed on such that the antenna unit is replaceable as a unit,” as required by the pending independent claims. The current Office Action contends that Courtney discloses this limitation at column 7, lines 20-29. This text discloses that certain components of the Courtney system can be replaced, but does not disclose that a common housing (comprising an antenna and circulator or isolator) can be “plugged in or screwed on” to be “replaceable as a unit.” During the recent Examiner Interview, the Examiner conceded that the cited references do not disclose that the antennae unit “can be plugged in or screwed on such that the antenna unit is replaceable as a unit.” Further, the Examiner stated that this distinction between the invention and the cited references could overcome the pending obviousness rejections.

Applicants also respectfully submit that the cited references fail to disclose “said antenna and said circulator or said HF isolator being arranged in a common housing,” as also required by the pending independent claims. (Support for this common housing limitation can be

found at least in original claims 19 and 23, and paragraph 14 of the application publication.) The Examiner contends that the dashed lines of Courtney's Figure 2 disclose that the antenna 36 and the isolator 24 are in a common housing. But there is no support for such a conclusion. Nothing in Courtney indicates that the dashed lines represent a common housing. Further, Figure 2 is a flow diagram. It is not meant to represent the physical structure of the Courtney system.

A telephonic Examiner Interview was held on October 1, 2008. Applicants contended that the cited references do not disclose "said antenna and said circulator or said HF isolator being arranged in a common housing of the antenna unit" or that the housing "can be plugged in or screwed on such that the antenna unit is replaceable as a unit." Applicants also contended that the Courtney reference was not analogous art.

Regarding the common housing limitation, the Examiner argued that the dashed lines of the flow diagram of Courtney's Figure 2 disclosed a common housing. Regarding the analogous art issue, the Examiner argued that Courtney was in the same field as the invention because they both used wireless transceivers. Applicants disagreed with these positions.

Regarding the replaceable limitation, the Examiner stated that Courtney does not disclose that an antennae unit that "can be plugged in or screwed on such that the antenna unit is replaceable as a unit." The Examiner stated that this distinction could overcome the pending obviousness rejections. Further, the Examiner stated that Applicants' response would not need to be accompanied by an RCE.

However, in the Advisory Action issued by the Examiner on November 7, 2008, the Examiner maintained the above rejections, asserting that although Courtney does not literally indicate that the antenna and isolator are in a common housing, it would have been obvious to one of ordinary skill in the art to put the antenna and isolator in a common housing since they are connected as shown in the common dash-lined area in Fig. 2 of Courtney for the convenience of replacing narrowband cell components as a whole. This, however, misinterprets the teachings of Courtney.

In particular, Fig. 2 of Courtney distinguishes, by use of dotted lines, those components which are fixed wideband cell components and those components which are interchangeable narrowband cell components. Regarding the interchangeable components, Courtney makes it clear that any of the interchangeable components (i.e., the radiating antenna 36, the isolator 24, and the low pass filter 26) can be individually removed and replaced. See Courtney, Col. 7, Lns. 22-25. As such, it is not obvious to include all of these interchangeable components in a single housing.

In addition, Fig. 2 of Courtney clearly shows that, while the isolator 24 is connected to the low-pass filter 26, the antenna 36 is not connected to any of the other interchangeable components. Instead, the antenna 36 is connected to the directional coupler 30 and is isolated from both the isolator 24 and the low pass filter 26. As such, the interchangeable components are not all connected as a group to the non-interchangeable components. Since the interchangeable components are not all connected to each other as a group (i.e., with the isolator 24 being separated from the antenna 36), one of ordinary skill in the art would not find it obvious to include all of the interchangeable components (let alone the isolator 24 and the antenna 36 which are obviously separated) in a single common housing.

Moreover, it is the current application which explains why it is advantageous to have the antenna and the circulator/RF isolator in a single common housing: so that the antenna-circulator/HF isolator unit can be replaced as a complete structural group. Specification, ¶ [0008]. This is the same exact logic the Examiner uses for maintaining the above obviousness rejection. Such logic cannot be found in any of the references to which Examiner cites, but rather is only found in the current Application. As such, Applicant asserts that Examiner has improperly used hindsight in order to maintain the current obviousness rejections.

Examiner also asserts in the Advisory Action that it would have been obvious to one of ordinary skill in the art to use known techniques of securing components (such as plugging or screwing) to secure the interchangeable components to the fixed components in the apparatus of Courtney.

However, Examiner cites no art whatsoever in support of this assertion. As such, Applicant respectfully asserts that the Examiner must cite to a piece of prior art in support if this assertion which shows that items such as the claimed antenna and circulator/HF isolator can be plugged or screwed into the unit to which they are to be attached. In the absence of any such reference, Examiner's rejection is inherently flawed and incapable of sustaining an obviousness rejection of claims 28 and 30-36.

For these reasons, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to arrive at the invention of independent claims 28, 30, 31, 33, or 35, or their dependent claims (i.e., claims 32, 34, and 36). Therefore, Applicant respectfully requests that Examiner remove the rejection of claims 28 and 30-36 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of U.S. Patent No. 6,469,658 to Courtney et al.

III. REJECTION OF CLAIM 29 UNDER 35 U.S.C. § 103(A) BASED ON AAPA IN VIEW OF COURTNEY AND KAWASAKI

On page 4 of the outstanding Office Action, the Examiner rejects Claim 29 as being unpatentable over AAPA in view of Courtney, and further in view of Kawasaki. This rejection are traversed and believed overcome in view of the following discussion.

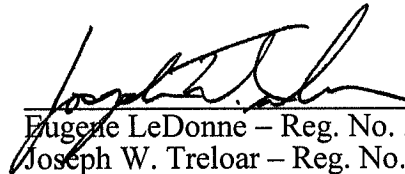
Claim 29 is dependent from Claim 28. As Claim 28 is allowable, so must be Claim 29. Accordingly, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of obviousness of Claim 29. Therefore, Applicant respectfully request that Examiner remove the rejection of Claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of U.S. Patent No. 6,469,658 to Courtney et al., and further in view of U.S. Patent Application Pub. No. 2002/0197957 to Kawasaki et al.

IV. NEW CLAIM 37

New Claim 37 is dependent from Claim 28. As Claim 28 is allowable, so must be Claim 37. Accordingly, Applicant respectfully asserts that Claim 37 is in allowable form. Therefore, Applicant respectfully requests Examiner allow Claim 37.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



Eugene LeDonne – Reg. No. 35,930
Joseph W. Treloar – Reg. No. 60,975
Joseph Miller, III – Reg. No. 61,748
REEDSMITH LLP
599 Lexington Avenue
New York, NY 10022
Tel.: 212.521.5400

EL:JWT

500593.20090